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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Antonio Wheeler,

7 Plaintiff,

8 v.

9 Gallagher Insurance Companies; et al.,

10 Defendants.

Case No. 2:24-cv-00671-GMN-DJA

11 **Report and Recommendation**

12 On May 23, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis*
13 and gave him until June 21, 2024, to file a new one. (ECF No. 6). In doing so, the Court
14 explained that "[f]ailure to timely comply with this order may result in a recommendation to the
15 district judge that this case be dismissed." (*Id.*). To date, Plaintiff has not filed anything further
16 in this action.

17 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
18 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

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20 **NOTICE**

21 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
22 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
23 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
24 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
25 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file
26 objections within the specified time and (2) failure to properly address and brief the objectionable
27 issues waives the right to appeal the District Court's order and/or appeal factual issues from the
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1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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4 DATED: August 29, 2024

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7 DANIEL J. ALBREGTS
8 UNITED STATES MAGISTRATE JUDGE
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